

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL FOX,

Plaintiff,

v.

ERNEST ZIEGLER,

Defendant.

CASE NO. 1:20-cv-0290 NONE JLT (PC)

**ORDER REFERRING THE CASE TO
POST-SCREENING ADR PROJECT AND
STAYING THE CASE FOR 90 DAYS**

When at least one defendant has been served and/or filed an answer, the Court is referring all post-screening, civil rights cases filed by pro se inmates to the Post-Screening Alternative Dispute Resolution Project to attempt to resolve cases more quickly and less expensively. Defense counsel from the Office of the California Attorney General has agreed to participate in this pilot project. No defenses or objections are waived by participation.

As set forth in the screening order, the Court has found the plaintiff has stated at least one cognizable civil rights claim. Thus, the Court **STAYS this action for 90 days** to allow the parties to investigate the plaintiff's claims, meet and confer and participate in a settlement conference.

There is a presumption that all post-screening civil rights cases assigned to the undersigned will proceed to settlement conference. However, if after investigating plaintiff's claims and speaking with plaintiff, and after conferring with defense counsel's supervisor, counsel finds in good faith

1 that a settlement conference would be a waste of resources,¹ defense counsel may move to opt out
2 of this pilot project.

3 **Within 35 days**, the assigned Deputy Attorney General **SHALL** contact the Courtroom
4 Deputy Clerk at SHall@caed.uscourts.gov, to schedule the settlement conference. If the settlement
5 conference cannot be set quickly due to the court's calendar, the parties may seek an extension of
6 the initial 90-day stay. Based upon the foregoing, the Court **ORDERS**:

7 1. **This action is STAYED for 90 days** to allow the parties an opportunity to settle
8 their dispute before a responsive pleading is filed, or the discovery process begins. No other
9 pleadings or other documents may be filed in this case during the stay. The parties **SHALL NOT**
10 engage in formal discovery, but they may jointly agree to engage in informal discovery.

11 2. **Within 30 days from the date of this order**, the parties **SHALL** file the attached
12 notice, indicating their agreement to proceed to an early settlement conference or whether they
13 believe settlement is not achievable at this time.

14 3. **Within 35 days from the date of this order**, the assigned Deputy Attorney General
15 **SHALL** contact this court's Courtroom Deputy Clerk at SHall@caed.uscourts.gov, to schedule the
16 settlement conference;

17 4. If the parties settle their case during the stay of this action, they **SHALL** file a Notice
18 of Settlement as required by Local Rule 160;

19 5. The Clerk of the Court **SHALL** serve via email, copies of the plaintiff's second
20 amended complaint (Doc. 29), the screening orders (Docs. 31, 34), this order to Supervising Deputy
21 Attorney General Christopher Becker, and copy of this order to ADR Coordinator Sujean Park;

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27 ¹ By way of guidance, if the defense intends to file an exhaustion motion and believes in good faith that it
28 has a significant chance of success, this would be a likely circumstance where the opt-out provision should be
employed.

1 6. The parties are reminded of their obligation to keep the court informed of any
2 changes of addresses during the stay and while the action is pending. Changes of address must be
3 reported promptly in a separate document entitled "Notice of Change of Address." See L.R. 182(f).

4
5 IT IS SO ORDERED.

6 Dated: **January 26, 2021**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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**NOTICE REGARDING EARLY
SETTLEMENT CONFERENCE**

1. The party or counsel for the party signing below, agrees that there is a good chance that an early settlement conference will resolve this action and wishes to engage in an early settlement conference.

Yes _____ No _____

2. The plaintiff (Check one):

_____ Would like to participate in the settlement conference in person, OR

_____ Would like to participate in the settlement conference by video conference.

Dated:

Plaintiff or Counsel for Defendants